Curtis Wingert (Estate) Rube, Melvin K. (for Kevin J. Wingert – successor executor) Atty Status

DOD: 04/17/03	ANNA WINGERT, spouse, was appointed	NEEDS/PROBLEMS/COMMENTS:
	as Executor on 12/13/05.	
	1 2 4 5 4 5 4 5 4 5 4 5 4 5 6 6 6 6 6 6 6 6	CONTINUED FROM 07/09/14
	1 & A, Final filed 11/09/06 - \$6,000.00	1 No od Dokki ov for Tomovic oki ov
Cont. from 070914,	Anna Wingert died on 12/14/06.	 Need Petition for Termination of Further Proceedings and
080614	Anna Wingen alea on 12/14/06.	Discharge of Personal
Aff.Sub.Wit.	KEVIN WINGERT, son, was appointed	Representative.
Verified	successor executor without bond on	
Inventory	05/21/14. Letters were issued on	
PTC	05/21/14.	
Not.Cred.	Minute Order from hearing on 05/21/14	
Notice of	set this matter for status on 07/09/14.	
Hrg		
Aff.Mail	Status Report filed 08/18/14 states: on	
Aff.Pub.	07/08/14, personal representative	
Sp.Ntc.	attempted to file a Petition for	
Pers.Serv.	Termination of Further Proceedings and Discharge of Personal Representative,	
Conf.	but the probate clerk refused to file the	
Screen	petition without a \$435 filing fee. It is Mr.	
Letters	Rube's understanding that the filing fee	
Duties/Supp	is being waived by the Court for	
Objections	petitions filed pursuant to Probate Code § 12251. Since the estate has no assets,	
Video	the attorney is requesting that the Court	
Receipt	waive the filing fee for the Petition for	
CI Report	Termination of Further Proceedings and	
9202	Discharge of Personal Representative.	
Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 09/12/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 1 – Wingert

2 Atty

Teixeira, J. Stanley (for Karen E. Phillips-Wilkes – Petitioner – Executor)

(1) First and Final Account and Report of Executor and Petition for its Settlement, (2) for Allowance of Statutory Commissions and (3) Final Distribution

			2) for Allowance of Statutory Commissions and (3)	
DOD: 03/09/2005			KAREN E. PHILLIPS-WILKES, Executor, is	NEEDS/PROBLEMS/COMMENTS:
			petitioner.	
				Need Proof of Service of the Notice
			Account Period: 03/09/2005 – 05/12/2014	of Hearing with a copy of the
	and from		_	Petition to be served on Victims
Co	ont. from	1	Accounting - \$135,500.00	Compensation and Government
	Aff.Sub.Wit.		Beginning POH - \$135,500.00	Claims Board pursuant to their
✓	Verified		Ending POH - \$135,000.00	request for Special Notice filed on 10/22/2007.
	Inventory		Executor – Waives	., ,
	PTC			
	Not.Cred.		Attorney – Waives	
✓	Notice of Hrg		Distribution, pursuant to decedent's Will, is	
✓	Aff.Mail	w/o	to:	
	Aff.Pub.		Karen E. Phillips-Wilkes – 100% in real	
	Sp.Ntc.		property	
	Pers.Serv.		F - F - 7	
	Conf. Screen			
	Letters 06/09/	/06		
	Duties/Supp			
	Objections			
	Video			
	Receipt			
	CI Report			
✓	9202			
✓	Order			
	Aff. Posting			Reviewed by: LV
	Status Rpt			Reviewed on: 09/12/2014
	UCCJEA			Updates:
	Citation			Recommendation:
✓	FTB Notice			File 2 – Phillips-Prosser

3 Arturo Garcia (Estate)

Case No. 09CEPR00271

- Atty Knudson, David N. (for Lori Garcia Administrator/Petitioner)
- Atty Garcia, Audrey (pro per beneficiary/Objector)
- Atty Vanni, Jill (pro per beneficiary/Objector)
- Atty Garcia, Mark (pro per beneficiary/Objector

First Amended First and Final Account and Report of Administrator, Report of Special Administrator, Petition for Instructions, for Statutory and Extraordinary Fees to Administrator and her Attorney, and for Final Distribution

DC	D: 03/26/09		LORI GARCIA, Administrator, is	NEEDS/PROBLEMS/COMMENTS:
			Petitioner.	
			Account period: 04/09/09 - 07/31/14	Note for Objectors: Objection is not
				Verified. Need proof of service by mail
Со	nt. from		Accounting - \$594,303.57 Beginning POH - \$243,600.62 Ending POH - \$218,502.75	at least 15 days before the hearing of Objection to Amended First and Final
	Aff.Sub.Wit.			Account. It is noted that a proof of
√	Verified		(all cash)	service-civil was filed 08/25/14 stating that the document was served on the
	Inventory		Administrator - \$10,277.95	court, but doesn't list a date of service.
	PTC		(statutory)	Further, service on the court is not necessary. The Objection should be
	Not.Cred.		Administrator x/o - \$6,155.00	served on the Petitioner and any other interested party.
✓	Notice of		(itemized by date - \$4,120.00 related to	interested party.
	Hrg		the Jodean Coakley and Wells Fargo	
✓	Aff.Mail	w/	Litigation (82.4 hours @ \$50/hr.), \$1,000.00 for sale of real property (Per	
	Aff.Pub.		Local Rule), and \$1,035.00 related to	
	Sp.Ntc.		the Hinds Hospice Litigation (20.7 hours @ \$50.00/hr.)	
	Pers.Serv.			
	Conf.		Attorney - \$10,277.95 (statutory)	
	Screen		(statutory)	
	Letters		Attorney x/o - \$48,609.00	
	Duties/Supp		(itemized by date - \$1,266.00 re Appt. of Special Administrator, \$38,618.00 re	
	Objections		Coakley/Wells Fargo litigation,	
	Video		\$2,983.75 re Hinds Hospice Litigation,	
	Receipt		\$1,003.75 severance of cases, \$6,737.50 sale of residence)	
	CI Report		,	
√	9202		Costs - \$5,151.94 (\$6,151.94 less \$1,000.00 advanced by	
✓	Order		the beneficiaries for filing fees, certified	
	Aff. Posting		copies, publication, court reporter	Reviewed by: JF
-	Status Rpt		fees, document production, subpoend fees)	Reviewed on: 09/12/14
	UCCJEA Citation		,	Updates: 09/16/14 Recommendation:
-	FTB Notice		Reserve - \$3,000.00	File 3 - Garcia
	I ID NOIICE		Continued on Page 2	The 3 - Galcia

Page 2

Petitioner states that three creditor's claims were filed against the estate:

Wells Fargo Card Services - \$13,020.77
 Wells Fargo Home Equity Line of Credit - \$157,072.34
 Jodean Coakley - \$26,896.77

Petitioner states that the estate was involved in litigation between the estate and Jodean Coakley and Wells Fargo Bank. The matter was settled between the parties prior to trial. As part of the settlement agreement, Wells Fargo Home Equity Line of Credit filed a withdrawal of its claim asserting that it was a full satisfaction of all sums due Wells Fargo. However, Petitioner continued to receive notifications from Wells Fargo requesting payment of the credit card claim of \$13,020.77. In response to correspondence from counsel, Wells Fargo responded that despite its language indicating "full satisfaction" and waiver of all sums due, the position of the credit card department is that the claim was not withdrawn, and that the claims are identified by different file numbers. Petitioner requests instructions of the Court that the claim is a valid and existing claim and authorizing payment of same in the amount of \$13,020.22.

Distribution, pursuant to intestate succession, is to:

 Audrey Garcia
 \$40,670.23

 Jill Vanni
 \$40,670.23

 Mark Garcia
 \$40,670.23

Objection to First and Final Account and Report of Administrator filed 08/25/14 by beneficiaries Mark Garcia, Jill Vanni, and Audrey Garcia states: They have many concerns that they have expressed to the Administrator and Attorney David Knudson. They specifically object to the extraordinary fees and request that the court consider the following:

- request that the court consider the following:

 1. In 2010 it came to their attention that David Knudson had a conflict of interest in that he had represented Wells Fargo in the past. Objectors state that Mr. Knudson never disclosed this conflict to them. Any extraordinary compensation requested Mr. Knudson with regard to dealings with Wells Fargo should be denied for that fact alone and in addition the estate should be allowed sanctions. This is currently the subject of an investigation by the State Bar of California, case no. 1-414-409.
 - 2. There has been an extraordinary lack of communication by both the Administrator and attorney Knudson to the Objectors as the beneficiaries of the estate. Although requested numerous times, they were never provided with written accountings of the estate or estimates of what the extraordinary compensation that would be requested. Objectors state that they understand that it is not required to provide the beneficiaries with accountings during the administration of the estate, but understands that it is common practice and believes it's the right thing to do.
 - 3. It was their understanding that Wells Fargo filed a satisfaction of its combined claims on 08/12/13, but now Administrator is requesting approval to pay the claim. Objectors request that the matter be reviewed in light of the conflict of interest with Wells Fargo noted above.
 - 4. Objector Audrey Garcia was living in the real property asset of the estate prior to its being sold and during that time she paid the homeowner's insurance from her own funds. Upon the property being sold, Audrey called and cancelled the insurance. She was informed by the insurance company that she would be issued a refund of the overpaid amount. But instead of receiving the refund, the insurance company mailed the check to the administrator of the estate and David Knudson endorsed the check (that was written out to Audrey Garcia and was Audrey Garcia's money) and deposited it into the estate account. This is currently the subject of an investigation by the California State Bar case # 1-414-409.
 - 5. Both the administrator, Lori Garcia and attorney David Knudson, failed to communicate with the beneficiaries during the estate administration, even though the beneficiaries requested information numerous times. Lori was even sanctioned by the court for lack of communication with the court early on in the case and the same behavior continued throughout the administration of the estate.

Objector's request that the Court consider these points and deny the request for extraordinary compensation by both Mr. Knudson and Lori Garcia and order sanctions as the court deems appropriate.

Continued on Page 3

3 Arturo Garcia (Estate)

Case No. 09CEPR00271

Page 3

Supplemental Declaration of Lori Garcia in Support of Request for Extraordinary Fees filed 09/16/14 states: She is employed as a Regional Administrative Officer by the CA Dept. of Forestry and Fire Protection and has held that position for the past 6 years. During the course of her work, her services are billed out to various government agencies and private parties at a rate of \$51.19/hr. Much of the work performed for this estate required that she take time away from employment, either using paid leave or taking time without pay. Accordingly, she believes that \$50/hr. compensation for services rendered to the estate is an appropriate rate of compensation. She further states that she understands that this rate is less than charged by professional fiduciaries.

Atty Helon, Marvin T., of Helon & Manfredo (for Petitoner Brian L. Gong, Executor)

(1) Report of Executor and (2) Petition for Allowance of Statutory Fees and Reimbursement of Costs, (3) and for Final Distribution on Waiver of Accounting

DC	DD: 3/6/2013				Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Accounting is w	raivad		
			Accounting is w	aivea.		
	ont. from		I&A	_	\$403,010.49	
	Aff.Sub.Wit.		POH		\$323,522.71 (\$16,045.71 is cash)	
/	Verified				(ψ10,040.71 is Cusin)	
			Executor	_	waives	
✓	Inventory		Attornov		¢11 0/0 01	
✓	PTC		Attorney (statutory)	_	\$11,060.21	
√	Not.Cred.		(6.6.6.6.7)			
√	Notice of		Costs	_	\$1,658.58	
	Hrg		(filing fee, proba	ate refere		
✓	Aff.Mail	W	certified copies)			
	Aff.Pub.	/				
	Sp.Ntc.		Distribution purs	uant to De	ecedent's Will is to:	
	Pers.Serv.					
	Conf.		BRIAN L. GONG	as Trustee	e of the WILLIAM	
	Screen		GONG TRUST – \$	3,326.92	cash and a ½ interest	
	Letters 0702	13	in a 25% interest	in a gene	eral partnership.	
	Duties/Supp					
	Objections					
	Video					
	Receipt					
	CI Report 9202					
√	Order					
<u> </u>						
	Aff. Posting					Reviewed by: LEG
	Status Rpt					Reviewed on: 9/12/14
	UCCJEA Citation					Updates: Recommendation: SUBMITTED
	FTB Notice					File 4 – Gong
Ľ	TIDITORICE					THE T COINS

Downing, Marcella (for Diane Huerta and Linda Plitt – daughters/Petitioners)

Petition for to Determine the Validity of the Trust Modifying the Trust, Removing Trustees, Appointing Trustees Instructing the Trustee, Compelling Redress of Breach of Trust, and Preliminary Injunction Prohibition Further Distributions to Mick Loeffler

120	ont. from 10221 0313, 011414, 1214	13,
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of	
	Hrg	
✓	Aff.Mail	w/
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	w/
	Conf.	
	Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video	
	Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
Щ_		

DIANE HUERTA and **LINDA PLITT**, daughters, are Petitioners.

Petitioners state:

- Dr. Fred Otto Loeffler and Kathleen Loeffler are the Trustor's of THE LOEFFLER FAMILY TRUST.
- Petitioners were appointed as temporary conservators of the Person of their parents, Dr. Fred Otto Loeffler and Kathleen Loeffler.
- Bruce Bickel is the currently acting temporary conservator of the estates of both Dr. Fred Otto Loeffler and Kathleen Loeffler.
- 4. The principal place of administration of the Trust is Fresno County.
- 5. Petitioners allege that Dr. and Mrs. Loeffler (hereinafter "the Loefflers") lack capacity to resist undue influence and to protect their assets for their own benefit. This case and the conservatorship cases are inextricably linked and Petitioners request that the Court take Judicial Notice of the Conservatorship proceedings and all of the filings in those matters.
- 6. The Loefflers have 4 children,
 Petitioners, Diane Huerta and Linda
 Plitt and Samuel Loeffler (hereinafter
 "Sam") and Michael Loeffler
 (hereinafter "Mick"). Linda and
 Diane are also successor trustee and
 beneficiaries under all of the various
 trusts which have been created by
 the Trustors over the years and
 therefore having standing to bring
 this action before the Court.
- 7. Petitioners believe that many trusts have been made and revised by the Loefflers.

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

CONTINUED TO 11/5/2014

Per Stipulation signed 9/16/14

CONTINUED FROM 08/12/14 Parties were to participate in further mediation.

Note: The temporary conservatorship of the person expired on 08/29/13 and was not extended, therefore Petitioners are no longer temporary conservators of the Person. Bruce Bickel is the current acting temporary conservator of the estate for both Dr. and Mrs. Loeffler.

- 1. The Petition does not state the names of the persons entitled to notice of as required Pursuant to Probate Code § 17201. Note: Fred and Kathleen Loeffler were personally served with the Notice of Hearing and a copy of the Petition and several other people were served by mail. The Examiner is unable to determine whether everyone entitled to notice has received notice due to that information not being stated in the petition.
- 2. Need Order.

Note: Attorney Marcella Downing filed a Notice of Unavailability of Counsel on 08/27/14 stating that she is not available from 09/03/14 – 09/22/14. This was filed after this hearing was already set by the court.

Reviewed by: JF

Reviewed on: 09/12/14

Updates:

Recommendation:

File 5 – Loeffler

Page 2

- 8. The first Declaration of Trust was dated 08/01/72 and amended on 05/12/82 and again on 05/21/91. The trust was then restated on 02/04/01. In the restated trust, the successor disability trustees were the spouse, then Diane, then Sam and the successor death trustee were the spouse, then Sam. The 2001 trust was amended in 2003 to replace Sam with Mick as successor disability and death trustee.
- 9. On 12/21/06, the trust was entirely restated once again. In this restatement, under the disability provisions of the trust, a co-trustee position was established with the non-incapacitated spouse serving with a co-trustee during any period of incapacity by one of the trustors. The succession of those to serve as both successor disability and successor death trustees was Diane, then Mick, then Linda, then Sam. If the remaining spouse was unable to service, the co-trustee would serve alone.
- 10. Subsequently, another attorney was contacted and yet another trust was created by attorney Kevin Gunner. Mediation was held and pursuant to a mediated agreement, all trustees stepped town and Bruce Bickel, a professional fiduciary, was appointed as trustee of yet another revised trust. The trust created by Kevin Gunner was titled "The Second Amendment and Full Restatement of the Loeffler Family Trust dated 08/01/72" was signed October 18, 2011.
- 11. Finally, yet another trust amendment entitled "The First Amendment to the Second Amendment and Full Restatement of the Loeffler Family Trust" was signed on 03/01/12.
- 12. On 05/15/12, Bruce Bickel stepped down as trustee of the trust at the request of Mrs. Loeffler who admitted to him that she did not want him to step down but was asking him step down at her son, Mick's insistence.

Background Leading to Current Claims for Relief:

- 1. On or about March 2008, Mick was evicted from the home he shared with his girlfriend and moved into the Loeffler's home purportedly to stay for a short time until he could procure employment allowing him to move out of the Loeffler's home.
- 2. In approximately July 2011, Dr. Loeffler fell and required in-home care. Mick reduced the caregiver hours to the point of being useless and insisted Dr. Loeffler rely solely on Mick, further isolating the couple. With Dr. Loeffler unable to assist himself, much less others, this left Mrs. Loeffler to rely solely on Mick. When asked if they could help, the other three children were told she "didn't think it was a good idea". Towards the end of July 2011, Dr. Loeffler was moved to a skilled nursing home by Diane Huerta to protect him from Mick's unpredictable verbal tirades and to provide the necessary care that was not being provided at home.
- 3. In approximately October 2011, Mick had all of the locks changed on their parents' home and refused to give any copies of the keys to any of the other children. Prior to this time, all of the children had been free to come and go in their parents' home.
- 4. From this point on, Dr. and Mrs. Loeffler were in an atmosphere which best could be described as a siege. When the other children were admitted to the home, they witnessed significant verbal abuse, hording, and evidence of substantial use of pain killers by Mick Loeffler. Dr. and Mrs. Loeffler were subjected to ongoing rants replete with obscenities, were taken from professional to professional in an attempt to persuade Dr. and Mrs. Loeffler to change their estate plan, ultimately giving Mick Loeffler complete control over their funds, healthcare and changing the Testator's ultimate gifting plan during life and after death.
- 5. Knowing Mick had a history of violent behavior and a previous domestic abuse restraining order had been filed against him, the other children were concerned any action to protect their parents might result in harm to their parents or themselves. Hence, they chose to mediate what had, at this point, become seen to be a crisis. This resulted in the drafting of yet another trust.

 Continued on Page 3

Page 3

- 6. In February 2012, Mrs. Loeffler chose to move out of the home to an independent living apartment adjoining Dr. Loeffler's skilled nursing placement.
- 7. This did not end Mick's ongoing attempts to control his parents. Mick attempted to convince the facility he was the only one to make decisions for Dr. and Mrs. Loeffler's healthcare decisions, when in fact, Diane, held the power of attorney for healthcare.
- 8. Mick also went from attorney to attorney attempting to get the healthcare power of attorney, durable power of attorney, and the trust changed to put him in control of each instrument.
- 9. In the meantime, Mick was living rent free in the Loeffler's home and convinced Mrs. Loeffler she could only rely on him (Mick) for food, transportation, advice, safety, etc. and that all of the other family members, friends, advisors, etc. were not to be trusted.
- 10. Although mediation was attempted and although there appeared to be an agreement, the last amendment represents evidence that the mediation has failed and of further undue influence exerted on the Loefflers.

First Claim for Relief – Determining the Validity of the Trust or Modifying the Trust

- 1. Petitioners request the Court find that with the establishment of the conservatorships of the Loefflers, any Durable Power of Attorney which may exist is now void and there is to be no amendment or modification of the trust without prior court approval.
- 2. In the alternative, Petitioners request to modify Article II(B)(2) of the Trust to state, upon the finding that the Trustor lacks capacity, Article II(B)(2) is void. Petitioner submit that it is reasonably necessary for the protection of the interests of the trustee or beneficiary to insure no additional revisions are made to this trust and the trust assets are protected removing the possibility the trust might be revised to allow gifting of trust assets prior to the death of both Trustors. As indicated in this Petition, there have been an extraordinary number of changes to this trust and it is reasonable to believe that at least the last two revisions were more likely than not made as a result of the exertion of undue influence on the Trustors by Mick Loeffler.

Second Claim for Relief – Removing Trustees

- 1. Article II(E) of the Trust entitled Successor Trustee, provides in relevant part: "Upon the death, resignation, removal or inability to act of Bruce D. Bickel, then in such event, Fred O. Loeffler and Kathleen Loeffler shall become Co-Trustees of said trust. Upon the death, resignation, removal or inability to act of Fred O. Loeffler or Kathleen D. Loeffler, then in such event, the remaining individual shall become sole trustee hereunder. Upon the death, resignation, removal or inability to act of Fred O. Loeffler and Kathleen D. Loeffler, then in such event, a Professional Licensed Fiduciary, to be appointed by Trustors' son, Mick G. Loeffler, shall serve in this capacity. In the event Mick G. Loeffler is unable or unwilling to appoint a professional licensed fiduciary to serve in this capacity, then in such event, the adult children of Trustors, by majority vote, shall so select a professional licensed fiduciary to serve in this capacity."
- 2. Petitioners request that the Court remove Fred O. Loeffler and Kathleen D. Loeffler as trustees as they are no longer able to serve in that capacity as they are now conserved under a temporary conservatorship. Petitioners believe both of them lack capacity to act in their own best interest and are subject to undue influence. Examiners Note: The temporary conservatorship of the Person of both Fred and Kathleen expired on 08/29/13. Examiners Note: The temporary conservatorship of the Person of both Fred and Kathleen on 09/25/13 and is the currently acting temporary conservator of the estate.
- 3. Petitioners also ask that Mick Loeffler be removed from any position in which he may choose a professional fiduciary or to act as trustee or personal representative. Mick has demonstrated a history of abusing any power left in his hands and it is in the interest of Dr. and Mrs. Loeffler for their estate plan to remain unchanged and to have a professional fiduciary named without Mick's attempt to control that process to his benefit.

Continued on Page 4

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Third Claim for Relief – Appointing Trustees

- 1. With the removal of the Loefflers as trustees, a trustee will be required and will need to be appointed in order to appoint a professional fiduciary to act as the Trustee of the Trust. Given the indications of undue influence exerted on the prior trustees, Court supervision is needed to protect the trust assets and those serving as trustees or conservators.
- 2. Petitioners request the Court appoint both of them in conjunction with Samuel Loeffler, Dr. and Mrs. Loeffler's remaining children, to fulfill the successor trustee provision to appoint a professional fiduciary to administer the trust as provided under Article II(E) and designate that the professional fiduciary named will also serve as conservator of the estate should one be appointed.

Fourth Claim for Relief – Instructing the Trustee and Compelling Redress of a Breach of Trust

- 1. Petitioners request the Court to either compel or instruct the trustee as allowed under Probate Code § 12700(b)(6) to hire a forensic accountant to audit the trust along with prior trusts and provide an accounting of the trust assets beginning January 1, 2008 to the present.
- 2. Petitioners assert trust funds have been diverted, gifted against the terms of the trust, and/or simply squandered. Mick Loeffler lives in the family home rent free and it is believed is paid for services either unrendered or overcharged. Petitioners believe and are prepared to show that social security checks which have previously been deposited directly into an account believed to be in the trust name are no longer being deposited to that account or any account they are aware of in the name of the Trust or the Trustors, individually.
- 3. Petitioners request that the court direct the trustee that upon any finding by the forensic accountant indicating funds have not been used for the benefit of the Trustors, the trustee be compelled to redress the breach, that the Court maintain jurisdiction over this case and case numbers 13CEPR00655 and 13CEPR00656, and that the Court maintain oversight of the administration of the trust.

Preliminary Injunction Prohibiting Further Disbursements to Mick Loeffler

1. Petitioners request that any person acting as trustee of the Trust or as the personal representative of Dr. and Mrs. Loeffler be enjoined from distributing any assets held in Trust to Mick Loeffler without further Court order.

Petitioners pray for an Order:

- 1. That the Court determine the validity of Article II(B)(2) of the Trust. Petitioners request the court find that with the establishment of the conservatorships any Durable General Power of Attorney which may exist is now void, and there is to be no amendment or modification of the trust without prior court approval, or in the alternative, that Article II(B)(2) be modified to state, upon the finding that either Trustor lacks capacity, Article II(B)(2) is void and the Trust may no longer be modified without prior court approval;
- 2. That the Court remove Fred O. Loeffler and Kathleen Loeffler and Mick Loeffler as Trustees of the Trust, remove Mick Loeffler from any position in which he may choose a professional fiduciary or to act as trustee or personal representative;
- 3. That the Court appoint Petitioners in conjunction with Samuel Loeffler to choose a professional fiduciary to act as the successor trustee of the trust as provide by the Trust;
- 4. That the Court designate that any trustee of the Trust which is appointed will also be named as the Conservator of the Estate if one is needed;
- 5. That the Court compel or instruct the trustee to hire a forensic accountant to audit the trust along with prior trusts and provide an accounting of the trust assets beginning with 01/01/08 to the present;
- 6. That the Court direct the trustee that upon any finding by the forensic accountant or any other party indicating funds have not been used for the benefit of the Trustors, the trustee be compelled to redress the breach;
- 7. That the Court maintain jurisdiction over this case and case numbers 13CEPR00655 and 13CEPR00656;
- 8. That the Court maintains oversight of the administration of the Trust; and
- 9. That the Court issue a preliminary injunction enjoining any person acting as trustee of the Trust or as the personal representative of Dr. and Mrs. Loeffler from distribution any assets held in the Trust to Mick Loeffler without further order of this Court.

Wade, David D. (of Roseville, CA, for Executor Kenneth Meme)
Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 8-11-13	KENNETH MEME was appointed as	NEEDS/PROBLEMS/COMMENTS:
	Executor with Full IAEA without bond and Letters issued on 3-25-14.	Minute Order 8-29-14: Mr. Wade
	and Leners issued on 5-25-14.	informs the Court he will be filing the
	At the hearing on 3-25-14, the Court set	Inventory and Appraisal soon. The
Cont from 082914	this status hearing for the filing of the	Court informs him to also file a status
Aff.Sub.Wit.	Inventory and Appraisal pursuant to	report.
Verified	Probate Code §8800.	A
Inventory		As of 9-12-14, nothing further has been filed.
PTC		been nied.
Not.Cred.		1. Need Inventory and Appraisal or
Notice of		verified written status report
Hrg		pursuant to local rule.
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202	 	
Order	 -	
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 9-12-14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 6 - Meme

Henry and Margaret Boyajian (Trust)

Case No. 14CEPR00145

- Atty Pruett, Barry W. (of Grass Valley, for Phyllis Branche Petitioner)
- Atty Camenson, David M. (for Margaret Courtis Objector)
- Atty Burnside, Leigh W (for Jeffrey L. Boyajian Trustee)

Petition to Appoint Successor Trustee of Bypass Trust and Grandchildren's Trust and for Instructions, Probate Status Hearing Re: New Petition

Henry Boyajian DOD: 10-18-01 Margaret Boyajian DOD: 10-29-13 Cont: 041014, 071614, 081314 Aff.Sub.Wit. Verified Inventory **PTC** Not.Cred. Notice of Hrg Aff.Mail W Aff.Pub. Sp.Ntc. Pers.Serv. W Conf. Screen **Letters Duties/Supp Objections** Video Receipt **CI Report** 9202 Order Χ Aff. Posting Status Rpt **UCCJEA** Citation **FTB Notice**

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PHYLLIS BRANCHE, daughter of Henry and Margaret Boyajian (trustors) and beneficiary, is Petitioner.

Petitioner states Henry and Margaret Boyajian established the trust on 4-9-97 and amended and restated the trust on 9-23-99. After Henry's death on 10-18-01, Margaret became the sole trustee and pursuant to the trust created and funded the Survivor's Trust with the surviving trustor's share of the community property and a portion of the deceased trustor's share equal to the minimum necessary to eliminate estate taxes (the marital deduction amount) and the Bypass Trust with the remaining trust property. The Survivor's Trust was then amendable: however. the Bypass trust was irrevocable. After the death of the surviving trustor, the assets of the Survivor's Trust were to be added to the Bypass Trust and distributed as follows:

- 1) Real property on Nebraska Avenue in Selma to Jeffrey Boyajian;
- 2) \$400,000 in securities or cash to Petitioner in trust for each of the three grandchildren, Andrew Boyajian Branch, Cody Branche Boyajian, and Alan Boyajian Branche, pursuant to a specified formula; and
- 3) The remainder to Petitioner and Margaret Courtis in equal shares.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

Minute Order 7-16-14: Counsel reports that the matter was settled last night at mediation. Matter continued to 8-13-14 as a placeholder only.

Status Report filed 8-7-14 by Attorney
Burnside states the draft petition for
settlement, appointment of a successor
trustee, and modification of the trusts is
expected to be filed by the end of
August.

Minute Order 8-13-14: Attorney Burnside reports that a new petition will be filed.

As of 9-12-14, nothing further has been filed.

- Petitioner states the principal place of administration is Fresno County; however, the Successor Trustee, Jeffrey Boyajian, appears to reside in San Leandro, CA, which is Alameda County. Therefore, need clarification re Fresno as proper venue with reference to Probate Code §17005.
- Petitioner states the names and addresses of the beneficiaries or trustees; however, Petitioner does not state that these are all of the persons <u>entitled to notice</u> pursuant to Probate Code §§ 17201, 17203, 851. The Court may require a verified declaration that this list contains all of the persons entitled to notice.
- Need copies of trust and amendments. Petitioner states copies of the relevant documents are attached; however, there is nothing attached to the petition.

<u>Note</u>: Respondent Jeffrey Boyajian provided a copy of the Third Amendment only.

4. Petitioner requests appointment of herself and Margaret Courtis as cosuccessor trustees of the Bypass Trust. Need consent of Margaret Courtis.

Reviewed by: skc
Reviewed on: 9-12-14
Updates:
Recommendation:
File 7 – Boyajian

7 Henry and Margaret Boyajian (Trust)

Case No. 14CEPR00145

Page 2

Petitioner states on 12-21-07, the Surviving Trustor amended the Restatement as to the Survivor's Trust (the First Amendment). On 8-18-07, the Surviving Trustor again amended the Survivor's Trust (the Second Amendment), which Second Amendment revoked the First Amendment, and also:

- Confirmed the specific bequest of real property to Jeffrey Boyajian;
- Concedes that the \$400,000 specific bequest by the Trustors jointly to the grandchildren is irrevocable; and
- Contrary to the dictates of the trust regarding final distribution and regarding the trustee, and
 despite conceding the irrevocability of the specific bequests to the grandchildren, Surviving
 Trustor purports to modfy the specific bequests by
 1) replacing Petitioner as trustee for the grandchildren with a committee comprised of Petitioner,

Margaret Courtis, and Jeffrey Boyajian, and 2) modifying the specified formula for distributions;

- Contrary to the dictates of the trust and despite conceding the irrevocability of the provisions of the restatement, Surviving Trustor purports to revoke the distribution of the remainder of the trust to Petitioner and Margaret Courtis by instead giving them a specific bequest of \$1 million each, with the remainder to Jeffrey Boyajian;
- Surviving Trustor purports to state that the provisions of the Second Amendment control over any conflicts between the language of the Restatement and the Second Amendment.

Petitioner states on 6-25-10, and contrary to the dictates of the trust regarding successor trustees of the Bypass Trust, Surviving Trustor executed a Third Amendment that purports to revoke the nomination of Petitioner and Margaret Courtis as successor co-trustees of the Bypass Trust and replace them with Jeffrey Boyajian.

The Surviving Trustor passed away on 10-29-13 and since her death, Jeffrey Boyajian has been acting as the successor trustee of the Survivor's Trust and the Bypass Trust.

Based on the many inconsistencies among the language of the Restatement and the Second and Third Amendments, Petitioner requests instructions from this Court as follows:

Petitioner states the Surviving Trustor clearly had no authority to modify the provisions of the Restatement as to the successor trustee of the Bypass Trust. As such, Petitioner requests that Jeffrey Boyajian be removed as successor trustee and that Petitioner and Margaret Courtis be appointed as successor cotrustees of the Bypass Trust.

There exists a conflict between the Restatement and the Second Amendment as to the final disposition of the trust corpus. Petitioner states the Deceased Trustor's intent was clear that Jeffrey Boyajian receive the property, the grandchildren receive \$400,000 each, and Petitioner and Margaret Courtis share the remainder. It is Petitioner's position that while the Surviving Trustor had the authority to amend the Survivor's trust, she breached the Restatement and did not have the power to modify the dispositive provisions as to the Deceased Trustor's share of the community property, which became his separate property pursuant to Probate Code § 100 by reason of his death. Petitioner states that because the Surviving Trustor concedes that the \$400,000 specific bequest is irrevocable, such irrevocability must also apply to the dispositive provision of such specific bequests.

As such, Petitioner requests that this Court order that Jeffrey Boyajian, as successor trustee of the Survivor's Trust, to return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the Bypass Trust.

SEE ADDITIONAL PAGES

Page 3

Because the \$400,000 for each of the grandchildren is to be held in trust, the Second Amendment is contrary to the Restatement in wrongfully modifying the trustee of the grandchildren's trusts. While the Surviving Trustor had the ability to modify the Survivor's Trust, she did not have the power or right to modify the dispositive provisions of the Deceased Trustor's share of the community property, including naming the trustee of the grandchildren's trusts. Petitioner again points to the concession that the \$400,000 bequests are irrevocable, and as such, the irrevocability must apply to the appointment of the trustee. Therefore, Petitioner requests that she be appointed as trustee of the grandchildren's trust and to distribute pursuant to the Restatement.

Petitioner prays for an order as follows:

- 1. Finding that all facts stated in the petition are true and all notices required by law have been duly given;
- 2. Removing Jeffrey L. Boyajian as successor trustee of the Bypass Trust and appointing Petitioner and Margaret Courtis as successor trustees of the Bypass Trust;
- 3. That Jeffrey L. Boyajian as successor trustee of the Survivor's Trust return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the dictates of the Bypass Trust;
- 4. That Petitioner be appointed as trustee of the Grandchildren's trust; and
- 5. For such other orders as the Court considers proper.

Maggie Courtis' Objection states the amendments are valid and Jeffrey Boyajian is the proper successor trustee of the Byapss Trust and the grandchildren's trusts. The amendments were made with the assistance of legal counsel (Attorney Jeff Wall). The purpose of the amendment was to create a "zero tolerance" threshold for recipients of the grandchildren's gifts to ensure that the recipients have not engaged in substance abuse for at least three years. The Third Amendment appointing Jeffrey Boyajian as successor trustee of both trusts was also made with the assistance of Jeff Wall as counsel, and Jeffrey Boyajian has been serving as such since 10-29-13.

Objector states the Bypass Trust was funded with the Selma Property and about \$656,000 of securities. The specific gift of the property to Jeffrey Boyajian is not at issue. Therefore, the assets of the Bypass Trust are insufficient to gift \$400,000 to each of the three other grandchildren. Plain and simple, Petitioner is attempting to obtain more money than the amendments provide. The money would come from the Survivor's Trust, which is agreed to be amendable/revocable. Margaret Boyajian only amended the Survivor's Trust. Her intent is clear and should not be frustrated. Applying Petitioner's reasoning to the interpretation of the amendments would completely dismiss Margaret Boyajian's intent with respect to the distribution, which is that the balance of the \$400,000 each is subject to the condition of being drugfree, something that Petitioner (their mother) does not deem an appropriate restriction.

No-contest clause: Objector states that if a beneficiary under the Restated Trust shall contest in court the validity or seek adjudication that the Restated Trust or any of its provisions is void or set aside any provisions, then the right of that person shall be determined as if predeceased without leaving issue. Petitioner is seeking to void or set aside the provisions of the Restated Trust as set forth in its amendments; therefore, her right is to be eliminated.

Objector prays for an order that:

- The Restated Trust amendments are valid with respect to Trust A (Survivor's Trust) assets;
- 2. Only Trust B (Bypass Trust) assets are subject to the irrevocability language of the Restated Trust;
- 3. Trust B assets consisted only of the Selma Property and 94,406 shares of the Franklin Fund Securities at the death of Maragret Boyajian:
- 4. Jefffrey Boyajian is the proper successor trustee of all trusts created under the Restated Trust;
- 5. Petitioner has invoked the "No Contest" provisions of the Restated Trust with the filing of this petition and there is no longer a proper beneficiary of the trusts established pursuant to the Restated Trust.

SEE ADDITIONAL PAGES

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Jeffrey Boyajian's Response states Petitioner is seeking instructions regarding who is the proper trustee of the trust shares to be established for her three adult sons. Respondent understood that he had been appointed to serve with Margaret Boyajian as co-trustee and as sole successor trustee pursuant to the Third Amendment (attached). Respondent is uncertain whether the First and Second Amendments validly nominated him as successor trustee of the Bypass Trust; however, is informed and believes that the Bypass Trust was not subject to amendment. As noted; however, pursuant to the Third Amendment, he was nominated and served with Margaret Boyajian as co-trustee.

Respondent states that in the Second Amendment, Margaret Boyajian stated her understanding of the irrevocability of the Bypass Trust, but further stated her intent to modify the dispositive provisions of the Survivor's Trust as to her grandchildren Andrew, Cody, and Alan. It is unclear whether the \$400,000 gift to each of them applied only in the event of the combination of the Survivor's Trust with the Bypass Trust, or if the trusts were not combined, to what extent, if any, would that affect the amount of the bequests/distributions to be made to them.

Mrs. Boyajian was concerned about her grandchildren's ability to responsibly manage their inheritance and instructed her attorney to prepare amendment directing a committee to consider distributions. In doing so, she attempted to modify the formula, which changes pertain to the Survivor's Trust. It is unclear if the \$400,000 gift to each of the three grandchildren applied only in the event assets were combined, etc.

Mrs. Boyajian had the authority to amend the Survivor's Trust such that both Petitioner and Margaret Courtis could potentially receive no assets from the Survivor's Trust if they received from other sources, including, but not limited to the Bypass Trust, life insurance proceeds, or other assets) the sum of \$500,000 each.

Mrs. Boyajian had the authority to amend the Survivor's Trust to name Respondent as beneficiary of said sub-trust.

Mrs. Boyajian intended the provisions of the Second Amendment to apply to the Survivor's Trust and desired to appoint Respondent with her as co-trustee, as she was in need of assistance at that time. Respondent has been administering the assets of the trust as he understood it was his responsibility to marshal and administer the assets for all beneficiaries.

Respondent states instructions would be appropriate as to the administration and disposition of the trust. Petitioner and Margaret Courtis are nominated as successor co-trustees; however, instructions are needed as to whether Mrs. Boyajian had authority to change the nomination with the Amendments.

Respondent states he does not know whether he is required under the Second Amendment to combine the assets of the Survivor's Trust with those of the Bypass Trust prior to final distribution, particularly if the funding of the Survivor's Trust was conducted in accordance with the terms of the Restated Trust and with regard to the amendments. If not combined, to what extend is the amount of the bequests to the grandchildren \$400,000 each) affected?

Respondent agrees that instructions are needed regarding the application of the Second and Third amendments and their scope and effect on beneficiaries.

Respondent therefore requests that this matter be set for evidentiary hearing to consider all evidence and make any and all further orders the Court may deem just and proper.

Petitioner filed a Response to Ms. Courtis' Objection of on 4-10-14 and requests that the petition be approved as prayed. See Response for details.

8A Atty Atty

The Murray 1996 Rev. Trust Agreement dated

Rube, Melvin K. (for Successor Trustee Robyn Esraelian)

Horton, Lisa (for Objector Daniel Murray)

Petition to Determine the Validity of the Eighth Amended and Complete
Restatement of the Murray 1996 Revocable Trust Agreement

DoD: 3-6-09 Petitioner.	1 .
Pelitioner states Stanley and Margaret Murray, husband and wife as Trustors, established the Murray 1996 Revocable Trust Agreement on 7-30-96 (the Trust). Stanley and Margaret amended and restated the terms of the trust on four occasions prior to 12-3-98. Aff. Sub.Wit. Verified amended and restated the Trust in its entirety with their execution of a document entitled Fifth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (5th Amended Trust). Stanley died on 3-6-09 and Margaret executed an Aff. Pub. Sp. Nitc. Pers. Serv. Conf. Screen acting Trustee of the Trust. Duties/Supp Adf. Posting Restatement of the Murray 1996 Revocable Trust Agreement (6th Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (6th Amended Trust). On 9-16-11, Margaret, as sole surviving Trustor, amended the trust in its entirety and restated the Trust with her execution of a document entitled Sixth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (6th Amended Trust). On 10-19-12, Margaret, as sole surviving Trustor, again amended the trust in its entirety and restated the Trust with her execution of a document entitled Sixth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (7th Amended Amend	J.
Murray 1996 Revocable Trust Agreement on 7-30-96 (the Trust). Stanley and Margaret amended and restated the terms of the trust on four occasions prior to 12-3-98. Aff.Sub.Wit.	
Cont. from 061814, 081314	
On 12-3-98. On 12-3-98.	
Aff.Sub.Wit. Verified Inventory PTC Not.Cred. V Notice of Hrg Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp V Objections Video Receipt CI Report P202 Aff. Posting Verified On 12-3-98, Stanley and Margaret again amended and restated the Trust in its entirety with their execution of a document entitled Fifth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (5th Amended Trust). Stanley died on 3-6-09 and Margaret executed an Affidavit – Death of Trustee on 3-29-09, recorded on 4-6-09. As a result of Stanley's death, Margaret became the sole acting Trustee of the Trust. On 9-16-11, Margaret, as sole surviving Trustor, amended the trust in its entirety and restated the Trust with her execution of a document entitled Sixth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (6th Amended Trust). On 10-19-12, Margaret, as sole surviving Trustor, again amended the trust in its entirety and restated the Trust with her execution of a document entitled Seventh Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (7th Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (7th Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (7th Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (7th Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (7th Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (7th Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (7th Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (7th Amended and Complete Restatement of the Aurray 1996 Revocable Trust Agreement (7th Amended and Complete Restatement of the Aurray 1996 Revocable Trust Agreement (7th Amended and Complete Restatement (7th Amended and Complete Revocable Trust Agreement (7th Amended and Complete Revocable Trust Agreement (7th Amended and Complete	
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Agreement (6 th Amended Trust). Video Receipt	
Receipt	
CI Report again amended the trust in its entirety and restated the Trust with her execution of a document entitled Seventh Amended and Complete Restatement of the Murray 1996 Reviewed by: skc Reviewed on: 9-12-14	
P202 restated the Trust with her execution of a document entitled Seventh Amended and Complete Restatement of the Murray 1996 Reviewed by: skc	
Aff. Posting Complete Restatement of the Murray 1996 Reviewed by: skc Reviewed by: 9-12-14	
Status Pot Revocable Trust Agreement (7th Amended Reviewed on: 9-12-14	
UCCJEA Trust).	
Citation	
FTB Notice Trustor, again amended the trust in its entirety File 8A - Murray	
and restated the Trust with her execution of a	
document entitled Eighth Amended and Complete Restatement of the Murray 1996	
Revocable Trust Agreement (8th Amended	
Trust).	
Margaret died on 2-7-14, and Petitioner, as	
Successor Trustee, sent notification pursuant to	
§ 16061.7 and a copy of the 8 th Amended Trust to all beneficiaries. The Trust is now irrevocable.	
To dil beneficialies. The trost is now iffevocable.	ļ
SEE ADDITIONAL PAGES	

8A The Murray 1996 Rev. Trust Agreement dated Case No. 14CEPR00402

Page 2

Petitioner states DANIEL ANDREW MURRAY, a child of Stanley, was a remainder beneficiary of the Trust under the 5th Amended Trust; however, under the 6th, 7th, and 8th Amended Trusts, he is essentially disinherited. In a letter dated 3-20-14, counsel for Daniel contends that the trust can only be amended by written agreement signed by both trustors, and that since the 8th amendment was not signed by Margaret only, after Stanley's death, it is invalid.

Daniel contends that the 5th Amended Trust, as the last instrument signed by both Stanley and Margaret, is valid and that he is entitled to a distribution pursuant to the 5th Amended Trust.

Petitioner contends that the 8th Amended Trust is valid and that upon termination, the net distributable residuary estate should be distributed pursuant to the 8th Amended Trust.

Petitioner prays for an order declaring that the 8th Amended Trust is valid and directing her, as Successor Trustee of The Murray 1996 Revocable Trust to distribute the residuary trust estate pursuant to Article Five, Paragraph B3 of the 8th Amended Trust.

Daniel Murray filed an Objection on 6-12-14. Objector states:

Stanley had three (3) children before his marriage to Margaret: Daniel Andrew Murray (Objector), Morgan Steven Murray, and Phillip Stanley Murray. Margaret had two children before her marriage to Stanley: Eugenia Kay Stott, and Wayne Stott (predeceased, no issue).

At the time Stanley and Margaret married, Stanley had a large real property ranch that was his separate property. That ranch was sold prior to his death, and made up the majority of trust assets.

Objector states that he, his two siblings, and Margaret's daughter were always the equal beneficiaries of the Trust while Stanley was alive. After Stanley's death, for no reason known or disclosed to Objector, Margaret by herself and against Stanely's written wishes decided to remove Objector as a beneficiary and augment her own daughter's share through subsequent amended trusts.

Objector contends that not only are the subsequent amended trusts signed after Stanley's death invalid per the terms of the 5th Amended Trust, but also that Stanley would never have agreed to the subsequent amended trusts signed by Margaret after his death.

Pursuant to the language in Article Seven of the 5th Amended Trust: the "Trustors may at any time **during their lifetime** amend any terms of this trust by written instrument **signed by the Trustors** and delivered to the Trustee." The

Trust could only be amended during both Stanley and Margaret's lifetime with a written instrument signed by both of them. The language absolutely does not allow one Trustor to amend the Trust after the death of the other.

If the Trustors wanted to allow the surviving Trustor to amend the 5th Amended Trust, then Article Seven would have said something to the effect of "during the lifetime of either Trustor" (See *In Re Estate of Powell* (2000) 83 CA4th 1434).

Since the 6th Amended Trust is only signed by Margaret, it is invalid.

SEE ADDITIONAL PAGES

8A The Murray 1996 Rev. Trust Agreement dated Case No. 14CEPR00402

Page 3

Objector states if the 8th Amended Trust is found valid it only changes the distributive provisions for Margaret's portion of the trust estate contributed by her, and pursuant to Probate Code §15401(b)(1) and *In Re Estate of Powell* (2000) 83 CA4th 1434, Stanley's trust estate contribution should be distributed pursuant to the 5th Amended Trust.

Objector prays for an order as follows:

- 1) Denying the Petition to Determine Validity of the 8th Amended Trust in its entirety;
- 2) Declaring that the 5th Amended Trust is valid;
- 3) Directing Petitioner as Successor Trustee of the Murray 1996 Revocable Trust to distribute the trust estate pursuant to Article Six of the Fifth Amended Trust; and
- 4) For such other orders as the Court may deem proper.

The Murray 1996 Rev. Trust Agreement dated 7/30/96Case No. 14CEPR00402 Rube, Melvin K. (for Successor Trustee Robyn Esraelian) Horton, Lisa (for Objector Daniel Murray) Atty

8B

Atty

Status Hearing

		ROBYN ESRAELIAN, Successor Trustee,	NEEDS/PROBLEMS/COMMENTS:
-		filed a petition on 5-2-14 to determine the validity of the 8 th Amended and	
		Complete Restatement of the Murray	
	ont from 081314	1996 Revocable Trust Agreement.	
<u> </u>		DANIEL MURDAY Elections Objections	
-	Aff.Sub.Wit.	DANIEL MURRAY filed an Objection on 6-12-14.	
 	Verified	0-12-14.	
-	Inventory	See Page A for details.	
	PTC	<u> </u>	
	Not.Cred.	On 6-18-14, the Court continued the	
	Notice of Hrg	matter to 8-13-14 and also set this separate status hearing.	
-	Aff.Mail	separate status fleating.	
-	Aff.Pub.	=	
-	Sp.Ntc.	=	
-	Pers.Serv.	=	
	Conf.	=	
	Screen		
	Letters	1	
	Duties/Supp		
	Objections		
	Video	1	
	Receipt		
	CI Report		
	9202	_	
	Order		
	Aff. Posting	_	Reviewed by: skc
	Status Rpt	4	Reviewed on: 9-12-14
	UCCJEA	4	Updates:
	Citation FTB Notice	-	Recommendation:
	LIP NOUCE		File 6B – Murray

Shepard, Jeff S. (for Eiko li – Petitioner – Spouse)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DC	D: 08/31/2013		EIKO II, spouse is petitioner and	NEEDS/PROBLEMS/COMMENTS:
	2.00,01,2010		requests appointment as Administrator	THE ESTATION OF THE ESTATE OF
			without bond.	Petition indicates decedent's residence
				at the time of death was Fowler,
			All heirs waive bond	California, therefore the correct
	nt. from 080614	4,		publication should be The Fowler Ensign.
082	2714		Full IAEA – o.k.	Petitioner published in The Business
	Aff.Sub.Wit.			Journal.
√	Verified		Decedent died intestate	Note: Declaration Re Publication of Notice filed 09/02/2014 states the Notice of The
	Inventory		Residence: Fowler	Petition to Administer Estate of Haruo K. II, was
	PTC		Publication: The Business Journal	published in the Business Journal; the
	Not.Cred.			decedent's residence was in rural Fowler. The
	Notice of		Estimated value of the Estate:	Fowler Ensign is a weekly publication.
🗸	Hrg		Real property - \$300,000.00	Attorney Shepard chose the Business Journal,
	Aff.Mail	14/		which is published daily, for the notice of
✓	All./Wall	w/	Probate Referee: Steven Diebert	publication. Attorney Shepard believes that
1	Aff.Pub.			the publication of the Business Journal was in
Ė	C . NII .			the best interest of the client and the heirs of
-	Sp.Ntc.			the estate.
	Pers.Serv.			
	Conf.			Note: If the petition is granted status hearings will
	Screen			be set as follows:
✓	Letters			•Wednesday, 01/21/2015 at 9:00a.m. in
1	Duties/Supp			Dept. 303 for the filing of the inventory and
Ė	Objections			appraisal and
	Video			• Wednesday, 11/18/2015 at 9:00a.m. in
	Receipt			Dept. 303 for the filing of the first account
-				and final distribution.
	CI Report			Pursuant to Local Rule 7.5 if the required
	9202			documents are filed 10 days prior to the hearings
✓	Order			on the matter the status hearing will come off
				calendar and no appearance will be required.
	Aff. Posting			Reviewed by: LV
	Status Rpt			Reviewed on: 09/12/2014
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 9 – li

10 Atty

Magness, Marcus D. (for Autumn S. Lencioni and Garen M. Lencioni – Petitioners – Children)

Petition to Determine Succession to Real Property (Prob. C. 13151)

DC	D: 10/27/2003		AUTUMN S. LENCIONI and GAREN M. NEEDS/PROBLEMS/COMMENTS:	
			LENCIONI, children, are petitioners.	
			40 days since DOD	
Со	nt. from		No other proceedings	
	Aff.Sub.Wit.			
✓	Verified		I&A - \$68,333.00	
√	Inventory		Will dated: 09/26/2003 devises entire	
	PTC		estate to wife, Jean B. Lencioni.	
	Not.Cred.		Petitioners request Court	
✓	Notice of Hrg		determination that decedent's 1/3 rd interest in undeveloped real property	
✓	Aff.Mail	w/	located in Fresno County and 1/3 rd	
	Aff.Pub.		interest in Parcel A 15.17 acre parcel of land and Parcel B 4.78 acre parcel	
	Sp.Ntc.		of land pass to Autumn S. Lencioni and	
	Pers.Serv.		Garen M. Lencioni in equal shares	
	Conf.		pursuant to the decedent's will.	
	Screen			
	Letters			
	Duties/Supp			
	Objections	 		
	Video			
	Receipt		-	
	CI Report 9202			
1	Order		-	
 			Bardania de la 127	
	Aff. Posting		Reviewed by: LV	
	Status Rpt UCCJEA	<u> </u>	Reviewed on: 09/12/2014 Updates:	
	Citation		Recommendation: Submitted	
\vdash	FTB Notice		File 10 - Lencioni	
	rib Nolice		rile 10 - Lencioni	

Kruthers, Heather H. (for Public Administrator)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DO	D: 7-28-14	PUBLIC ADMINISTRATOR is Petitioner and	NEEDS/PROBLEMS/COMMENTS:
		requests appointment as Administrator	
		with Full IAEA without bond.	Note: Petitioner states there are no
		Full IAEA – ok	known relatives to give notice to.
		FUILIAEA – OK	Note: If the petition is granted status
	Aff.Sub.Wit.	Decedent died intestate	hearings will be set as follows:
>	Verified	Davidson Clark	•Wednesday, 01/07/2015 at
	Inventory	Residence: Clovis Publication: Fresno Business Journal	9:00a.m. in Dept. 303 for the filing
	PTC	Fublication. Fresho business Journal	of the inventory and appraisal
	Not.Cred.	Estimated value of estate:	<u>and</u>
	Notice of	Real property: \$175,000.00	 Wednesday, 09/09/2015 at
	Hrg		9:00a.m. in Dept. 303 for the filing
	Aff.Mail	Probate Referee: Rick Smith	of the first account and final
>	Aff.Pub.		distribution.
	Sp.Ntc.		Pursuant to Local Rule 7.5 if the required
	Pers.Serv.		documents are filed 10 days prior to the
	Conf.		hearings on the matter the status hearing will come off calendar and no
	Screen		appearance will be required.
>	Letters		
	Duties/Supp		
	Objections		
	Video		
	Receipt		
	CI Report		
	9202		
>	Order	_	
	Aff. Posting		Reviewed by: skc
	Status Rpt		Reviewed on: 9-12-14
	UCCJEA	_	Updates:
	Citation	4	Recommendation: SUBMITTED
	FTB Notice		File 11 - Urabe

Teixeira, J. Stanley (for Petitioner John J. Nelson)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 6-19-14			JOHN J. NELSON, Cousin and named	NEEDS/PROBLEMS/COMMENTS:
			Executor without bond, is Petitioner.	
			EVILLA E A COLO	Note: If the petition is granted status hearings will be set as follows:
			Full IAEA – ok	fledings will be set as follows.
			Will dated 5-28-14	•Wednesday, 01/07/2015 at
	Aff.Sub.Wit.	s/p		9:00a.m. in Dept. 303 for the
>	Verified		Residence: Clovis	filing of the inventory and appraisal <u>and</u>
	Inventory		Publication: Fresno Business Journal	<u> </u>
	PTC		Fating ato dividing of astato.	• Wednesday, 09/09/2015 at
	Not.Cred.		Estimated value of estate: Personal property: \$125,000.00	9:00a.m. in Dept. 303 for the filing of the first account and
>	Notice of		Real property: \$130,200.00	final distribution.
	Hrg		1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	Down and to Lond Duty 7.5 if the
>	Aff.Mail	w/o	Probate Referee: Steven Diebert	Pursuant to Local Rule 7.5 if the required documents are filed 10 days
>	Aff.Pub.			prior to the hearings on the matter the
	Sp.Ntc.			status hearing will come off calendar
	Pers.Serv.			and no appearance will be required.
	Conf.			
	Screen			
>	Letters			
	Duties/Supp			
	Objections			
	Video			
	Receipt			
	CI Report			
	9202			
~	Order			
	Aff. Posting			Reviewed by: skc
	Status Rpt			Reviewed on: 9-12-14
	UCCJEA			Updates:
	Citation			Recommendation: SUBMITTED
	FTB Notice			File 12 - Davis

Motsenbocker, Gary L. (for William Martin (Marty) Shiba – Executor)

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DC	D: 07/04/12	WILLIAM MARTIN (MARTY) SHIBA, son,	NEEDS/PROBLEMS/COMMENTS:
		was appointed Executor with full IAEA	
		and without bond on 03/28/13. Letters	CONTINUED FROM 07/30/14
		Testamentary were issued on 03/29/13.	
	ont. from 053014,	=	Need First Account/Report of
	3014, 073014,	inversion a repressi, in a file	Executor and Petition for Final
00,	Aff.Sub.Wit.	07/15/13 - \$68,775.68	Distribution <u>and/or</u> current
-		Status Papart filed 07/09/14 states: The	written status report.
	Verified	Status Report filed 07/28/14 states: The office is currently in the process of	
	Inventory	preparing the petition and first account	
	PTC	current in this matter. There is a Medi-	
	Not.Cred.	Cal claim filed against the estate as	
	Notice of	well as a trust for this estate that is also	
	Hrg	considered in the estate plan. The	
	Aff.Mail	executor and his attorney are currently	
	Aff.Pub.	in the process of completing	
	Sp.Ntc.	negotiations and settlement of a	
	Pers.Serv.	dispute regarding the Medi-Cal claim. It is requested that this status hearing be	
	Conf.	continued for 45 days to allow time for	
	Screen	the executor and his attorney to	
	Letters	complete negotiations on the claim	
	Duties/Supp	and to file the first account and report	
	Objections	reflecting said negotiation and settlement.	
	Video		
	Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by: JF
	Status Rpt		Reviewed on: 09/12/14
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 13 - Shiba

14

Atty Kruthers, Heather H., of County Counsel's Office (for Public Administrator, Successor Trustee)

Status Hearing Re: Filing of the Final Account by the Successor Trustee

Sidius fieding ke. Filling of the Findi Account by the successor hostee			
DOD: 3/12/2010	PUBLIC ADMINISTRATOR was court-appointed Successor Trustee of the JOHN R. PANZAK	NEEDS/PROBLEMS/COMMENTS:	
	LIVING TRUST by Minute Order dated	1. Need final account or	
	4/29/2013.	verified status report.	
Cont. from		Notes Re Related Estate of	
Aff.Sub.Wit.	Minute Order dated 7/9/2014 from the last	John R. Panzak, Sr., Case	
Verified	status hearing set this Status Hearing on	#10CEPR00505:	
Inventory	9/17/2014 for the filing of the final account by the successor trustee.	The Panzak, Sr. Estate is a	
PTC	1110 300003301 1103100.	related matter in which the	
Not.Cred.	4	PUBLIC ADMINISTRATOR was appointed	
Notice of Hrg		Administrator of the Estate	
Aff.Mail		by Minute Order dated	
Aff.Pub.	1	4/29/2013.	
Sp.Ntc.	1	Order Settling First and Final Account and Report	
Pers.Serv.		of Deceased Personal	
Conf.		Representative was filed	
Screen		on 3/13/2014 in the	
Letters		Panzak, Sr. Estate, representing the final	
Duties/Supp		account of the deceased	
Objections	-	personal representative,	
Video		JOHN R. PANZAK, JR. (DOD	
Receipt	-	2/15/2013.) • Panzak, Sr. Estate is	
CI Report	=	currently pending closure	
Order		by the PUBLIC	
		ADMINISTRATOR.	
]		
Aff. Posting	_	Reviewed by: LEG	
Status Rpt	-	Reviewed on: 9/11/14	
UCCJEA	4	Updates:	
Citation FTB Notice	1	Recommendation: File 14 – Panzak Living Trust	
rib Nolice		1/	

14

Mayo, Sonya J. (Executor)

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

DOD: 1-20-06	SONYA J. MAYO, Daughter, was	NEEDS/PROBLEMS/COMMENTS:	
	appointed as Executor with Full IAEA without bond and Letters issued on	Minute Order 3-14-14: Examiner Notes	
	6-21-06.	are provided to Ms. Mayo. Continued to	
	0-21-00.	7-25-14.	
Cont. from 031414,	Final Inventory and Appraisal filed		
072514	11-15-06 indicates a total estate value	Minute Order 7-25-14: No appearances. Matter continued to 9-17-14. Sonya	
Aff.Sub.Wit.	of \$510,700.00 consisting of real	Mayo is ordered to be personally present	
Verified	property (two homes) and personal	on 9-17-14 if the first account or petition	
Inventory	property items.	for final distribution has not been filed. A	
PTC	On 12-20-13, the Court set this status	copy of the Minute Order was mailed to Ms. Mayo.	
Not.Cred.	hearing for failure to file a petition for	ms. may s.	
Notice of	final distribution and sent notice to Ms.	As of 9-12-14, nothing further has been	
Hrg	Mayo.	<u>filed.</u>	
Aff.Mail]	Note: The Executor was previously	
Aff.Pub.	Minute order dated 3/14/14 indicates	represented by attorney Peter C. Meux,	
Sp.Ntc.	the examiner notes were provided to Ms. Mayo.	now deceased.	
Pers.Serv.	Ms. Mayo.	Need first account or petition for final	
Conf.		distribution or current written status	
Screen		report pursuant to Local Rule 7.5	
Letters		which states in all matters set for	
Duties/Supp	1	status hearing verified status reports must be filed no later than 10 days	
Objections		before the hearing. Status Reports	
Video		must comply with the applicable	
Receipt		code requirements. Notice of the	
CI Report]	status hearing, together with a copy of the Status Report shall be served	
9202		on all necessary parties.	
Order	1	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
		Note: On 11-4-08, a Creditor's Claim and	
		Request for Special Notice was filed by	
		the State of California Franchise Tax Board in the amount of \$1,785.22.	
		board in the difficult of \$1,700.22.	
		Note: On 5-2-07, Waivers of Accounting	
		from all of the heirs were filed; however,	
		a petition for final distribution on waiver	
Aff. Posting	1	of accounting was never filed. Reviewed by: skc	
Status Rpt	1	Reviewed by: 3RC	
UCCJEA	1	Updates:	
Citation	1	Recommendation:	
FTB Notice	1	File 15 – Mayo	
	<u> </u>	15	

16

Grove, Paula (Pro Per – Maternal Aunt – Petitioner)

Woods, Virginia (Pro Per – Maternal Grandmother – Current Guardian)

Petition for Appointment of Temporary Guardian of the Person

			GENERAL HEARING 11-10-14	NEED:	S/PROBLEMS/COMMENTS:
			PAULA GROVE , Maternal Aunt, is Petitioner.		eed Notice of Hearing.
*	Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc.	X	VIRGINIA WOODS, Maternal Grandmother, was appointed Guardian on 1-30-12. Note: The current guardian, Ms. Woods, filed a Petition for Termination of Guardianship on 9-5-14 that is set for hearing on 11-10-14 along with Ms. Grove's Petition for Guardianship. Father: RODNEY MARCUS Mother: LEATHA JONES	No the co de - F - L <u>No</u> the	peta proof of personal service of office of Hearing with a copy of the temp petition at least five ourt days prior to the hearing ter Probate Code §2250(e) or onsent and waiver of notice or eclaration of due diligence on: Rodney Marcus (Father) the Diligence filed 9-5-14 states to father's whereabouts are alknown and the mother resides
	Pers.Serv.	Χ	Paternal Grandfather: Unknown	in	Arizona. If diligence is not
	Conf. Screen		Paternal Grandmother: Unknown	fo	und, need notice per above.
~	Letters		Maternal Grandfather: Claude Jones		
>	Duties/Supp		Siblings: Ernost Collins		
	Objections		Siblings: Ernest Collins		
	Video Receipt		Petitioner states the current guardian can no longer take care of him and the		
	CI Report		mother is not stable enough to take		
	9202		him. The minor has special problems		
~	Order		and Petitioner as the patience and		
	Aff. Posting		knowledge and support that he needs.		wed by: skc
	Status Rpt				wed on: 9-12-14
~	UCCJEA			Upda	
	Citation				mmendation:
	FTB Notice			File 1	S - Jones

Pro Per Wood, Traci Jo (Pro Per Petitioner, paternal aunt)
Pro Per Carver, Beth Ellen (Pro Per Petitioner, non-relative)

Petition for Appointment of Guardian of the Person (Prob. C. 1510).

	A THE DESCRIPTION APPOINTMENT OF GOULD THE PERSON (PIOD. C. 1510).				
Age: 15 years			NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:	
			TRACI JO WOOD , paternal aunt, and BETH ELLEN CARVER , non-relative, are Petitioners.	Proposed ward and his two siblings had been under guardianship with Petitioner	
Со	nt. from		PAUL FORTIER and SHELLY FORTIER, paternal	TRACI JO WOOD through	
	Aff.Sub.Wit.		aunt and her husband, were appointed	Tulare County Child Welfare	
✓	Verified		Successor Co-Guardians of the child	Services from 2006 – 2010.	
	Inventory		through Tulare County Child Welfare Services in 2010.	Petitioner states that PAUL FORTIER,	
	PTC		Services in 2010.	paternal aunt and her	
	Not.Cred.		PAUL FORTIER and SHELLY FORTIER consent	husband, were appointed	
	Notice of		and waive notice.	Successor Co-Guardians in	
*	Hrg			2010, after the resignation of	
1	Aff.Mail	W/	Father: DONALD WOOD ; consents and waives notice.	Petitioner Traci Jo Wood. Pursuant to Probate Code §	
	Aff Dub		Mother: LORI BECK; consents and waives	2203(b), it appears this	
	Aff.Pub.		notice.	guardianship may not be	
	Sp.Ntc.			granted until the Petitioners	
	Pers.Serv.		Minor consents and waives notice.	provide evidence to our	
✓	Conf. Screen			Court that the guardianship	
	Aff. Posting		Paternal grandfather: Allen Wood; sent notice by mail 8/22/2014.	established in Tulare County has been effectively	
	Duties/Supp		Paternal grandmother: Gwen Wood; sent	terminated.	
<u> </u>			notice by mail 8/22/2014.	Terrimidiod.	
	Objections		,		
	Video		Maternal grandfather: Unknown		
	Receipt		Maternal grandmother: Deceased		
✓	CI Report		Petitioners state that on 2/17/2006, Petitioner		
√	Clearances		Traci Jo Wood was designated as the legal		
1	Order		Guardian of Larry Wood, Sarah Wood and		
1	Letters		Rebecca Wood (triplets), Tulare County Child Welfare Services, and she remained	Reviewed by: LEG	
Ĥ	Status Rpt		Guardian until September 2010 when events	Reviewed on: 9/12/14	
1	UCCJEA		in Ms. Wood's life forced her to resign as	Updates:	
Ė	Citation	<u> </u>	Guardian, though she would have preferred to remain as Guardian;	Recommendation:	
	FTB Notice		10 Torridiri da Godraidri,	File 17 - Wood	
			~Please see additional page~	1	

Additional Page 17, Larry Morley Wood (GUARD/P)

Case No. 14CEPR00614

Petitioners state, continued:

- The original guardianship was completed in Tulare County due to the fact that the children and their parents were residents of Tulare County;
- However, since Traci was originally awarded guardianship through to the guardianship being shifted to Paul and Shelly Fortier, Larry and his sisters have continually been residents of Fresno County (Kingsburg);
- Concurrent to Traci being named Guardian, the Dependency status of the three children [in Tulare County] was terminated; as such they have not been wards of the Court for some time;
- Larry stated a preference to return to Traci's care, and that of her partner, Co-Petitioner Ellen Carver, as his Guardians, and all family members relevant to Larry's care have deliberated on this issue together and they have determined that they should pursue a change in the guardianship;
- Larry has requested this change, and his parents and the current Guardians (the Fortiers) are in agreement;
- Petitioner Traci Wood received direction from Tulare County staff that since Larry is no longer a
 dependent of the Court, and he is a resident of Fresno County, the request for guardianship should
 be submitted to the Fresno County Superior Court due to the fact that jurisdiction over Larry is
 retained in Fresno where he resides;
- Through Larry's life, they have shared a strong bond of mutual respect, trust and love; they have an continue to provide consistency for him, and share a strong connection with him;
- The current Guardians are struggling with raising 3 teenage triples, and Petitioners' assuming guardianship of Larry would give Larry more individualized attention;
- Larry has thrived with the individual attention he has received this past year living with Petitioners.

Court Investigator Jennifer Young's Report was filed on 9/9/2014.

18 Atty

Ruiz, Richard (for Gloria Makaroff - maternal grandmother/Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Madison, 1			TEMPORARY EXPIRES 09/17/14	NEEDS/PROBLEMS/COMMENTS:	
Mc	arilyn, 1		GLORIA MAKAROFF, maternal grandmother, is Petitioner.	 Need Notice of Hearing. Need proof of service at 	
Co	nt. from Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order	x	Father: VICTOR TORREZ – Declaration of Due Diligence filed 07/28/14 Mother: DASHA MAKAROFF – Court dispensed with notice on 07/28/14 Paternal grandfather: RIGOBERTO TORREZ (per CI report) Paternal grandmother: UNKNOWN Maternal grandfather: BILL MAKAROFF Petitioner alleges the children have been in Petitioner's care since June 2014, as there is a pending investigation by the Department of Social Services (DSS). The DSS requested that Petitioner seek an immediate guardianship of the children. Petitioner states the mother has ongoing issues with habitual substance abuse and is presently mandated by DSS to participate in an inpatient rehabilitation facility (copy of DSS letter attached.) Petitioner states the father has substance abuse issues and a lengthy history of domestic violence against the mother (copies of restraining orders attached) and a 5-year domestic violence restraining order was issued against the father	least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence for: a. Victor Torrez (Father) – personal service required, unless notice is dispensed b. Rigoberto Torrez (paternal grandfather) – service by mail sufficient c. Paternal grandmother – service by mail is sufficient d. Bill Makaroff (maternal grandfather) – service by mail sufficient 3. Need Order & Letters.	
	Aff. Posting		protecting the children.	Reviewed by: JF	
	Status Rpt	<u> </u>	Court Investigator Jennifer Daniel filed a report	Reviewed on: 09/15/14	
<u> </u>	✓ UCCJEA		on 09/05/14.	Updates:	
	Citation			Recommendation:	
	FTB Notice			File 18 - Makaroff	

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19

Lopez, Maurilia Zambrano (Pro Per – Maternal Grandmother – Petitioner)

Virgen, Manuel (Pro Per – Maternal Grandfather – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

			NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
			MAURILIA ZAMBRANO LOPEZ and MANUEL VIRGEN, Maternal Grandparents, are Petitioners.	If diligence is not found, need notice to father and paternal grandparents pursuant to Probate Code §1511.
	Aff.Sub.Wit.		Father: UNKNOWN	·
>	Verified		Mother: VIVIANA VIRGEN ZAMBRANO	
	Inventory		- Personally served 8-23-14 - Consents and waives notice	
	PTC		- Conserns and waives notice	
	Not.Cred.		Paternal Grandparents: Unknown	
~	Notice of			
	Hrg		Petitioners state the mother allowed	
	Aff.Mail	Χ	her boyfriend to move into their home	
	Aff.Pub.		in June 2014, and they informed her that he needed to leave because they	
	Sp.Ntc.		do not know him. The mother stated	
~	Pers.Serv.	W	that if he left, she would go with him.	
~	Conf.		Petitioners asked, what about your	
	Screen		daughter, and the mother said they	
~	Letters		could keep her and when she found a	
~	Duties/Supp		place to live she would come get her.	
	Objections		Petitioners state the father is unknown. The minor has lived with Petitioners	
	Video		since she was born and has never lived	
	Receipt		away from them. The mother does not	
~	CI Report		have a stable home and income to	
~	Clearances		support her.	
~	Order		Court Investigator Charlette Pien filed a	
	Aff. Posting		Court Investigator Charlotte Bien filed a report on 9-2-14.	Reviewed by: skc
	Status Rpt		100011 011 7 2 14.	Reviewed on: 9-12-14
_	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 19 - Virgen

Xiong, Mike (Pro Per – Father – Petitioner)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

	NO TEAM DECLIESTED NIEEDS / DDODLEAS / COMMENTS:					
			NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:		
			MIKE XIONG, Father, is Petitioner and requests appointment as Conservator of the Person with medical consent	Court Investigator advised rights on 8-25-14		
	Aff.Sub.Wit.		powers.	<u>Voting rights affected – need minute</u> <u>order</u>		
~	Verified		Voting rights affected.			
	Inventory		-			
	PTC		A Capacity Declaration was filed on 8-			
	Not.Cred.		25-14.			
>	Notice of Hrg		Petitioner states the proposed Conservatee has been diagnosed with			
~	Aff.Mail	W	profound mental retardation with			
	Aff.Pub.		cerebral palsy and epilepsy disorders			
	Sp.Ntc.		since birth.			
>	Pers.Serv.	W	Court Investigator Samantha Henson			
~	Conf.		filed a report on 9-5-14.			
	Screen					
~	Letters					
~	Duties/Supp					
	Objections					
~	Video					
	Receipt					
~	CI Report					
.4	9202					
_	Order			Daviewa d by also		
	Aff. Posting			Reviewed by: skc Reviewed on: 9-12-14		
	Status Rpt UCCJEA			Updates:		
-	Citation			Recommendation:		
	FTB Notice			File 20 - Xiong		
<u> </u>	1 10 HOILE			THE 20 AIDING		

Atty Istanboulian, Flora (Court appointed for proposed cosnervatee)

Petition for Appointment of Temporary Conservator of the Person and Estate

			TEMP GRANTED EX PARTE EXPIRES 9-17-14	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of personal service of
			GENERAL HEARING 10-15-14	Notice of Hearing with a copy of the petition at least five court days prior
>	Aff.Sub.Wit. Verified Inventory		FRESNO COUNTY PUBLIC GUARDIAN is Petitioner and requests appointment as Temporary Conservator of the Person and Estate.	to the hearing on Proposed Conservatee Kenneth Badiali pursuant to Probate Code §2250(e).
>	Not.Cred. Notice of Hrg		Petitioner also requests to suspend all powers of attorney. (Note: The order signed ex parte on 9-3-14 included suspension of all powers of attorney.)	
	Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv.	X	Estimated value of estate: Personal property: \$5.43 Annual income: \$43,416.36	
>	Conf. Screen Letters		Petitioner states the proposed Conservatee is retired and his health has declined significantly. He has become a victim of elder abuse. He named a	
	Objections Video Receipt		woman as agent for power of attorney and his pension income is deposited directly to her account. She failed to pay his mortgage and his house was	
> >	CI Report 9202 Order		foreclosed. He is currently residing in a care home and has expressed willingness to be on conservatorship to	
	Aff. Posting Status Rpt UCCJEA Citation		get the abuser out of his life so that she is not making decisions for him. The abuser does not give him any funds for personal use. The owner of the care home pays for his haircuts. Temporary	Reviewed by: skc Reviewed on: 9-12-14 Updates: Recommendation:
	FTB Notice		conservatorship is needed to protect his assets and make sure that his needs are met.	File 21 - Badiali
			Court Investigator Jennifer Young filed a report on 9-9-14.	

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Gonzalez, Fidel (Pro Per Petitioner, biological father)

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Age: 13 years					
Co	ont. from				
0	Aff.Sub.Wit.				
	Verified				
_					
	Inventory				
_	PTC				
_	Not.Cred.				
✓	Notice of				
H,	Hrg Aff.Mail	W/			
✓		۷۷/			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	Χ			
✓	Conf.				
	Screen				
	Aff. Posting				
✓	Duties/Supp				
	Objections				
	Video				
	Receipt				
	CI Report				
	9202				
✓	Order				
✓	Letters				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				

General Hearing set for 11/6/2014

FIDEL GONZALEZ, biological father whose parental rights were terminated by adoption, is Petitioner.

Father: Not listed

Mother: **NAOMI SANCHEZ MORENO**; consents and waives notice.

Paternal grandfather: Not listed Paternal grandmother: Not listed

Maternal grandfather: Not listed Maternal grandmother: Not listed

Petitioner states the adoptive mother has some health issues and needs help with caring for the child. Petitioner states he is the child's biological father and the child has known Petitioner all his life, and Petitioner thinks it would be in the child's best interest to live in Petitioner's home, and he will go to school and to church with his family.

NEEDS/PROBLEMS/COMMENTS:

- 1. Child Information Attachment filed 9/3/2014 lists Petitioner as the father; however, the child was adopted, and the Petition does not state whether there exists an adoptive father of the child, to whom notice must be personally served.
- Child Information Attachment filed 9/3/2014 does not list the child's paternal grandparents and maternal grandparents.
- 3. Need proof of five (5) court days' notice by personal service of the Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence for:
 - Adoptive father (if any.)
- 4. Item 8 on Page 5 of the Child Information Attachment filed 9/3/2014 is incomplete re: Indian child inquiry and ancestry.

Reviewed by: LEG

Reviewed on: 9/12/14

Updates:

Recommendation:

File 22 - Moreno